## Resolution No. 96 April 16, 2013

## Appropriating Funds From The Liability And Casualty Reserve Fund For Payment Of A Judgment – Amending The 2013 Ulster County Budget – Department Of Insurance

Referred to: The Ways and Means Committee (Chairman Gerentine and Legislators Gregorius, Harris, Maio, Maloney, Provenzano and Rodriguez) and The Laws and Rules, Governmental Services Committee (Chairman Roberts and Legislators Donaldson, Fabiano, Loughran, Maio, Robert Parete and Ronk

Chairman of the Ways and Means Committee, Richard A. Gerentine, and Deputy Chairman Donald J. Gregorius offer the following:

WHEREAS, the County of Ulster maintains a Liability and Casualty Reserve Fund (the "Reserve Fund"), from which appropriations may be made from time to time, as needed, to satisfy judgments, actions, and claims against the County; and

WHEREAS, a decision and judgment was entered by the Honorable Frederick J. Scullin, Jr., Senior United States District Court Judge on March 20, 2013 against Ulster County in the amount of \$285,005.71; and

WHEREAS, payment of this judgment was not included in the 2013 Ulster County Budget; and

WHEREAS, the Ulster County Insurance Officer requests that \$100,000.00 be appropriated from the Reserve Fund as provided in Section 6-n of the General Municipal Law, for payment of the unanticipated judgment; and

WHEREAS, the balance of the funds necessary to satisfy the judgment is requested to be transferred from the contingency account; now, therefore be it

RESOLVED, that the 2013 Ulster County Budget is hereby amended as follows:

|                             | <u>INCREASE</u>  | <u>AMOUNT</u> |
|-----------------------------|--|---------------|
| A4-1301- 4412<br>(Appr.#)   | General Liability Settlements  | \$100,000.00  |
| A3-1301-9993<br>(Rev.#)     | Appropriated Reserve<br>Liability and Casualty                       | \$100,000.00  |
|                             | <b>DECREASE</b>  |               |
| A1-0000-0976<br>(Reserve #) | Appropriated Reserve<br>Liability & Casualty Reserve<br>A2-0000-5801 | \$100,000.00  |

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#### **TRANSFER**

#### **FROM**

A4-1331-4553 Contingency \$185,006.00 (Appr.#)

#### <del>TO</del>

A4-1301-4412 General Liability Settlements \$185,006.00 (Appr.#)

and moves its adoption.

#### ADOPTED AS AMENDED BY THE FOLLOWING VOTE:

AYES: 20 NOES: 0

(Absent: Legislators Aiello, Briggs and Richard Parete)

Passed Committee: Ways and Means as amended on April 9, 2013

Passed Committee: Laws and Rules, Governmental Services as amended on April 15, 2013

FINANCIAL IMPACT:

\$100,000.00 - INCREASE 2013 APPROPRIATIONS

\$100,000.00 – DECREASE - LIABILITY AND CASUALTY

RESERVE FUND

\$185,006.00 TRANSFER FROM CONTINGENCY

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Legislator Gerentine motioned, seconded by Legislator Rodriguez, to strike all above references to the contingency account, and to utilize all allocated insurance related funding for payment of judgments prior to transferring funds from contingency for such use.

#### MOTION ADOPTED BY THE FOLLOWING VOTE:

AYES: 20 NOES: 0

(Absent: Legislators Aiello, Briggs and Richard Parete)

STATE OF NEW YORK

SE
COUNTY OF ULSTER

This is to certify that I, the undersigned Clerk of the Legislature of the County of Ulster have compared the foregoing resolution with the original resolution now on file in the office of said clerk, and which was adopted by said Legislature on the 16<sup>th</sup> Day of April, 2013, and that the same is a true and correct transcript of said resolution and of the whole thereof.

IN WITNESS WHEREOF, I have hereunto set my hand and seal of the County of Ulster this 19<sup>th</sup> Day of April in the year Two Thousand and Thirteen.

|s| Victoria A. Fabella Victoria A. Fabella, Clerk Ulster County Legislature

Submitted to the County Executive this 19<sup>th</sup> Day of April, 2013.

Approved by the County Executive this 24<sup>th</sup> Day of April, 2013.

|s| Victoria A. Fabella Victoria A. Fabella, Clerk Ulster County Legislature <u>|s| Michael P. Hein</u> Michael P. Hein, County Executive